

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article No.:

Honorable Curt Miller  
Mayor of Pretty Prairie  
119 West Main Street  
Pretty Prairie, KS 67570

Dear Mayor Miller:

Re: Pretty Prairie Public Water System  
PWS ID: KS2015501

This letter is a response to correspondence dated April 16, 2008 sent to the United States Environmental Protection Agency, Region VII (EPA) by the city of Pretty Prairie, KS, regarding your request for a meeting related to ongoing nitrates violations at the Pretty Prairie Public Water System (PWS or system) and the actions taken by the Kansas Department of Health and Environment on this matter.

The State of Kansas has enacted regulations which are at least as stringent as the federal National Primary Drinking Water Regulations (NPDWR), and has primary enforcement authority for the federal drinking water requirements in Kansas, through the Kansas Department of Health and the Environment (KDHE). EPA encourages the city of Pretty Prairie to work with the KDHE to take decisive action to come into compliance with the nitrate MCL.

A Public Water System is required by the federal Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., to comply with the NPDWR. The NPDWR sets out Maximum Contaminant Levels (MCLs) for various contaminants, which are the highest levels at which a contaminant may be legally allowed in water provided to the public. The MCL for nitrate is 10 parts per million (ppm or mg/L).

The Pretty Prairie PWS has a documented history of exceeding the 10 ppm nitrate MCL. Ongoing violations of the nitrate MCL increases consumer exposure to the public health risks associated with nitrate and consequently must be addressed by reducing the level of nitrates in the water supplied by the system. As EPA described in our correspondence of February 4, 2008 with Pretty Prairie, provision of bottled water to the public by a PWS, while an acceptable temporary measure to avoid unreasonable risk to health, does not exempt a PWS from its legal requirement to comply with the nitrate MCL.

The EPA expects that such a compliance agreement between Pretty Prairie and the KDHE will promote measurable progress towards compliance, by the inclusion of clear milestones, an expected compliance date, and enforceable consequences for failure to adhere to the schedule. The Pretty Prairie PWS should achieve compliance with the nitrate MCL as soon as reasonably practicable. Failure to comply with the nitrate MCL, including failure to take required steps towards compliance, may subject the system to legal action by KDHE and/or EPA seeking civil penalties and/or injunctive relief requiring compliance.

EPA thanks Pretty Prairie for its efforts in exchanging information. If you have any questions regarding these issues, please contact Stacie Tucker, of my staff, at (913) 551-7715.

Sincerely,

Diane Huffman, Chief  
Water Enforcement Branch  
Water, Wetlands and Pesticides Division

cc: Dave Waldo, Kansas Department of Health and Environment

bcc: Monica Wurtz, WWPD/DRWM

<b>CONCURRENCE:WWPD:WENF:Tucker:H:\WENF\2008 Correspondence\Tucker\ Pretty Prairie Ltr 5.12.08 MW.doc</b>						
<b>NAME</b>	<b>Tucker</b>	<b>Wurtz</b>	<b>Dudding</b>	<b>Mindrup</b>	<b>Huffman</b>	
<b>DIV/ BRANCH</b>	<b>WWPD/ WENF</b>	<b>WWPD/ DRWM</b>	<b>CNSL</b>	<b>WWPD/ DRWM</b>	<b>WWPD/ WENF</b>	
<b>SIGN</b>						
<b>DATE</b>						